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U.S.D.C.
Middle District of T.N.
Nashville Division
Civil # 3:23-CV-00081
D.A.W. V. Trinity Services Group Et. AL.

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JUL 27 2023

U.S. District Court
Middle District of TN

Response To Erin Palmer Polly
Overrule objection

- * Attorney Polly's argument (A) in support under Fed. R. of Civil P. 15(A)(1) is frivolous, plaintiff's II amended complaint was filed before any party was served on 6-28-23
- * Thus according to this same rule, I may amend my pleading once or a matter of course within 21 days of serving it which I have done, you or all parties were properly served on 6-28-23 my complaint was amended within that 21 day time frame/ see Rule 12(B)(E), or (F). Fed. R. Civ. P. 15(a)(1); Southall v. USF Holland, LLC, 2020 WL 12948058, at 1 (M.D. Tenn. Apr. 10, 2020)
- * I did not have to seek for the party's consent, since original Response to my original complaint ~~complaint~~ Filed on 5-22-23 pg. 2. Attorney Polly asserts Spencer was not served nor could I prove that he had been served in order to establish grounds for default judgment, For attorney Polly to attempt to insinuate now that he was somehow served prior to this would be "extremely unbelievable" as well as establishing the presumption that attorney Polly has "unclean hands"
- * The fact that I filed complaints on the 15th of Jan. 2023 and Feb. 14, 2023 is irrelevant, parties were not served until 6-28-23 under the courts chose not to serve upon the II amended complaint is their prerogative. It was filed within the 21 day rule, thus Attorney Polly is out of bounds, yet crossing the bar in an attempt to strike Foul Mouth
- * Part B. of Attorney Polly's Argument shows he is extremely Delusional, he in error asserts the new complaint does not assert new claims against Spencer, when clearly on pg. 14 of the III complaint Spencer is accused of Failure to protect claim Based on deliberate indifference towards Plaintiff Individualized Risk pursuant to 42 USC 1983, Yes then accused of the same thing towards Prisoners under court VIII along with the original Retaliation claim Court VIII, Polly then states it appears

that I assert no additional claim is complete "assimilation"
 Line 201 through 206 clearly states lost space, note into
 pool while the attack was occurring, keeps walking and refuses
 to get involved, which is why he is now being accused
 of deliberate indifference of my safety and the safety of
 prisoners as well. This is not factual.

* Attorney Polley in error again asserts falsely my claim
 date back to 2021 which they do not, Lines 4 and 5 of
 the III complaint clearly unequivocally, unambiguously,
 states Plaintiff's claims for this suit will focus on
 events from October 2022 on up (see Line 4)

* On Line 5 clearly states that in order to give all parties
 including the "Public" an overall overview of how all parties
 are involved I'll start from the beginning, all claims before
 Oct. 2022 simply give the courts an understanding of why
 the Gov of T.N., T.D.O.C. Commissioner and Assist Tax Commissioner, as
 well as Gov. Civic and Ben Himmigen are ultimately involved and
 being held accountable and responsible, due to them being aware
 and failing to take action to prevent ultimately what occurred
 to me, the plaintiff, this was needed in order the Judge Eli
 Richardson could understand why all parties are being sued.

* I felt it was needed of me to be very specific, leaving no
 room for misinterpretation.

"Prison officials have a duty to protect prisoners from violence
 suffered at the hands of other prisoners" *Dellis v. Com. Corp. of Am.*, 257
 F.3d 505, 512 (5th Cir. 2001)

* Attorney Polley challenges the credibility of my claims
 in error this is not a trial as the Judge is not the
 jury "A complaint should not be dismissed for failure to
 state a claim unless it appears beyond doubt that the plaintiff
 can prove no set of facts in support of his claim,
Haiman v. Kerner, 404 U.S. 519 82 S.Ct. 594

* ~~His~~ ~~many~~ ~~Polly~~ ~~seems~~ ~~to~~ ~~take~~ ~~or~~ ~~make~~ ~~several~~ ~~attacks~~
including ~~frivolous~~ ~~allegations~~ ~~or~~ ~~assertions~~ ~~claiming~~ ~~in~~
~~error~~ ~~core~~ ~~civic~~ ~~cannot~~ ~~be~~ ~~held~~ ~~liable~~"; I do not collaterally
attack ~~Core Civic~~ under some theory of respondent-superior
theory of Liability going back to outdated citations in 1978
I attack ~~core civic~~ alleging (1) an official policy or
custom of ~~Core Civic~~; (2) which caused a violation of my
Federal Rights; and (3) which "was enacted or maintained
with deliberate indifference to an almost inevitable" federal
rights violation. See: *Schmeider v City of Grand Junction*
Police Dep't, 717 F.3d 780, (10th Cir. 2013)

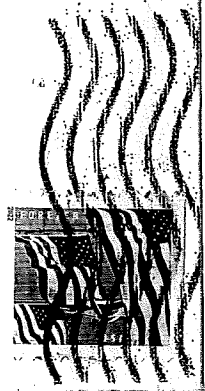
* As far as ~~threats~~ ~~those~~ ~~threats~~ ~~were~~ ~~acted~~ ~~or~~ ~~in~~ ~~which~~
I suffered Physical or mental damage, there is undisputable
Camera footage that will leave not doubt in any jury's
mind.

As I would urge Spence's attorney to accept my
extremely reasonable pre-trial settlement, in the
interest of your client, I see no need to destroy this
man's career, only that he learn his lesson. However
a ~~valuable~~ ~~valuable~~ ~~lesson~~.

Big Bob
12001 Montara Ave.
El Paso TX 79938

Deputy U.S. #954175
6474 A. 8303
13501 Montana Ave,
El Paso TX 79938

EL PASO TX 799
RIO GRANDE DISTRICT
FEDERAL INMATE COUNCIL
EL PASO COUNTY
JAIL ANNEX



Clenk, US, Dist. Ct.
U.S. Courthouse, Room 800
Nashville TN 37203

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